



DEPARTMENT OF THE ARMY

US Army Criminal Investigation Command
Fort Stewart CID Office
460 West Bultman Ave
Fort Stewart, Georgia, 31314-4914

WCWYAA

2016/02/29

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Law Enforcement Report - 1ST Corrected Final - 00499-2015-CID093-013739-3M7/ 9J

1. Offense: Failure to Obey General Order - Use of Force/Rules of Engagement (UCMJ - Article 92) (Unfounded)

2. Dates/Times/Locations of Occurrences: 0001, 24 Apr 11 - 0001, 06 Apr 12; Various locations, Jalalabad, Afghanistan

3. Date/Time Reported: 1252, 01 Dec 15

4. Investigated By:

(b)(6) (b)(7)(C)

5. Subjects/Suspects: (b)(6) (b)(7)(C) SGT; XXX-XX-(b)(6) (b)(7)(C) Male; White; Alpha Company, 325th Brigade Support Battalion, 3rd Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI, 96857; P1; [Failure to Obey General Order - Use of Force/Rules of Engagement (Unfounded)]

6. Victims:

a. UNKNOWN - 9454204; [Failure to Obey General Order - Use of Force/Rules of Engagement (Unfounded)]

b. [DELETE] NONE

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7. Report Summary:

This corrected report was generated to change the victim from None to Unknown for Failure to Obey a General Order.

This office was notified by CPT (b)(6) (b)(7)(C) A Company, 92nd Engineer Battalion, Fort Stewart, GA 31315 (FSGA), who reported SG (b)(6) (b)(7)(C) referenced killing women and children (b)(6) (b)(7)(C)

Investigation determined SGT (b)(6) (b)(7)(C) did not commit the offense of Failure to Obey a General Order - Use of Force/Rules of Engagement as initially reported. Initial information was identified during SGT (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) however, interviews of numerous deployed Soldiers with SGT (b)(6) (b)(7)(C) and SGT (b)(6) (b)(7)(C) account refuted the information as inaccurately documented.

CPT (b)(6) (b)(7)(C) Trial Counsel, Office of the Staff Judge Advocate, FSGA, concurred SGT (b)(6) (b)(7)(C) did not commit the offense as the facts failed to establish the elements of an offense.

Exhibits:

a. Attached:

- (1) Agent's Investigation Report (AIR) of SA (b)(6) (b)(7)(C) 8 Dec 15.
- (2) Copy of SGT (b)(6) (b)(7)(C) Questionnaire, 16 Sep 15.
- (3) AIR of Investigator (b)(6) (b)(7)(C) 17 Dec 15.
- (4) Sworn Statement of WO1 (b)(6) (b)(7)(C) 17 Dec 15.
- (5) AIR of SA (b)(6) (b)(7)(C) 17 Dec 15.
- (6) Sworn Statement of MAJ (b)(6) (b)(7)(C) 17 Dec 15.
- (7) DVD containing witness interview of MAJ (b)(6) (b)(7)(C) 17 Dec 15. (USACRC, SJA, and File Copy only)

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- (8) AIR of SA (b)(6) (b)(7)(C) 18 Dec 15.
- (9) Copy of CD containing SGT (b)(6) (b)(7)(C) (USACRC, SJA, and File copies only)
- (10) AIR of SA (b)(6) (b)(7)(C) 22 Dec 15.
- (11) Sworn Statement of CO (b)(6) (b)(7)(C) 17 Dec 15.
- (12) Sworn Statement of CO 22 Dec 15.
- (13) AIR of SA (b)(6) (b)(7)(C) 29 Dec 15.
- (14) AIR of SA (b)(6) (b)(7)(C) 5 Jan 16.
- (15) Sworn Statement of CPT (b)(6) (b)(7)(C) 23 Dec 15.
- (16) AIR of SA (b)(6) (b)(7)(C) 5 Jan 16.
- (17) Sworn Statement of SFC (b)(6) (b)(7)(C) 29 Dec 15.
- (18) AIR of SA (b)(6) (b)(7)(C) 13 Jan 16.
- (19) AIR of SA (b)(6) (b)(7)(C) 20 Jan 16.
- (20) Coy of CD containing SGT (b)(6) (b)(7)(C) Health Records. (USACRC, SJA, and File Copy only)
- (21) AIR of (b)(6) (b)(7)(C) 3 Feb 16.
- (22) Sworn Statement of Mr. (b)(6) (b)(7)(C) 15 Dec 15.
- (23) AIR of SA (b)(6) (b)(7)(C) 8 Jan 16.

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(24) Waiver Certificate and Sworn Statement of SGT [REDACTED] 26 Jan 16.

(25) DVD containing subject interview of SGT [REDACTED] 26 Jan 16. (USACRC, SJA and File Copy only)

b. Not Attached: None

Copies of originals retained at the CRC become the original exhibits of record when the final disposition of the originals by this office occurs IAW AR 25-400-2.

CID law enforcement reports may be suspect to a Quality Assurance Review by CID higher headquarters.

8. Unique Circumstances:
War Crimes [9J]

Subject Position: N/A

Victim Position: N/A

Relationship: N/A

Commanders are reminded of the provisions of AR 600-8-2 pertaining to suspension of favorable personnel actions and AR 380-67 for the suspension of security clearances of persons under investigation. Army Law Enforcement reports are exempt from automatic termination of protective markings in accordance with Chapter 3, AR 25-55. In accordance with AR 340-21, AR190-45, and DOD 5400.7-R, information contained in this report is law enforcement sensitive, confidential and private in nature, and any further distribution (forwarding to unauthorized personnel) without the authorization of the Provost Marshal General will be in violation of the UCMJ and USC.

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Report Prepared By

Report Approved By

Special Agent (b)(6) (b)(7)(C)

Supervisory Special Agent (b)(6) (b)(7)(C)

Signature Authority

DISTRIBUTION:

USACIDC / 3 MP GRP CDR, 3d MP GRP (CID), 2182 South Perimeter Road, Building 8300, Hunter Army Airfield, GA 31409

USACIDC / BRAGG CID BN 10th MP BN (CID), Ft Bragg, NC 28310 (email only)

CASE HISTORY:

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